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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,647	03/28/2006	Hiroyuki Kikkoji	287631US8PCT	8958
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
JARRETT, RYAN A				
ART UNIT		PAPER NUMBER		
2121				
NOTIFICATION DATE		DELIVERY MODE		
03/05/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/573,647

Applicant(s)

KIKKOJI ET AL.

Examiner

RYAN A. JARRETT

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

It is noted that Applicant agreed to cancel "Fig. 14" in the reply filed on 12/05/08.

Claim Objections

Claim 7 objected to because of the following informalities:

It is recommended that "to and information processing device" be inserted after "information" in line 2 in order to give proper antecedent basis to the term recited in line 4.

Appropriate correction is required.

Response to Arguments

Applicant's arguments, see pages 11-12, filed 12/05/08, with respect to claims 1-18 have been fully considered and are generally persuasive. The 35 U.S.C. 112 1st paragraph rejections (enablement, written description) of claims 1-18 have been withdrawn in light of the arguments and amendments filed 12/05/08.

Applicant's arguments, see page 12, filed 12/05/08, with respect to claims 1-18 have been fully considered and are persuasive. The 35 U.S.C. 112 2nd paragraph rejection of claims 1-18 has been withdrawn in light of the amendments filed 12/05/08.

Applicant's arguments, see page 12, filed 12/05/08, with respect to claims 12-18 have been fully considered and are persuasive. The double patenting objection of claims 12-18 has been withdrawn.

Applicant's arguments, see pages 12-13, filed 12/05/08, with respect to claims 10, 11, and 18 have been fully considered and are persuasive. The 35 U.S.C. 101 rejection of claims 10, 11, and 18 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2003-067289, "A Web Advertisement Delivery System" (hereinafter referred to as JP '289) in view of JP-2003-242018 (hereinafter referred to as JP '018).

For example, JP '289 discloses:

1. An information processing device (e.g., Fig. 1 #21) for receiving service advertisement information, comprising:

transmission means for transmitting user identification information which identifies users, a password, and device identification information which identifies the information processing device to a management device which manages the information processing device (e.g., paragraphs 11, 23);

receiving means for receiving registration completion information which indicates that said user identification information, said password and said device identification information were associated with each other and registered at said management device (e.g., paragraphs 11, 23);

storage means for storing at least said device identification information (e.g., Fig. 1 #21);
and

control means for controlling said transmission means to transmit ~~device attribute information which indicates the attributes of said information processing device and request~~ information which requests the service advertisement information in the event that said device identification information is not stored in said storage means (e.g., paragraphs 12, 24),

wherein said receiving means receives the service advertisement information ~~corresponding to said device attribute information~~ in response to said request information (e.g., paragraphs 12, 24).

2. The information processing device according to claim 1, wherein said service advertisement information is information that prompts user registration with said management device (e.g., paragraphs 12, 24).

3. The information processing device according to claim 1, wherein said service advertisement information is information that prompts registration for services linked from said management device (e.g., paragraphs 12, 24).

JP '289 does not explicitly disclose that the control means transmits *device attribute information* to the management device which indicates the attributes of said information processing device, such that the management device is able to transmit the service information *corresponding to the device attribute information*, as called for by claim 1 (and the other independent claims).

Correspondingly, JP '289 also does not disclose:

4. The information processing device according to claim 1, wherein said device attribute information includes performance of a display device on which said service advertisement information is displayed.

5. The information processing device according to claim 1, wherein said device attribute information includes memory capacity of a storage device in which said service advertisement information is stored.

6. The information processing device according to claim 1, wherein said device attribute information includes information regarding the presence of a battery.

(and the features of dependent claims 15-17)

JP '018 discloses these features in the context of a client/server exchange (e.g., [0003], [0022]-[0026], [0037], [0051]-[0055]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify JP '289 with JP '018 since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. See *KSR v. Teleflex*, 127 S.Ct. 1727 (2007).

One would have been motivated to make such a modification since JP '018 teaches that such a modification provides a comfortable service to a client by preventing a mismatch between a the client's processing performance and the data supplied to said client (e.g., [0004]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN A. JARRETT whose telephone number is (571)272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan A. Jarrett/
Primary Examiner, Art Unit 2121

03/01/09